

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROGER DEAN GILLISPIE,	:	
	:	
Plaintiff,	:	Case No. 3:13-cv-416
	:	
v.	:	
	:	Judge Thomas M. Rose
THE CITY OF MIAMI TOWNSHIP, et al.,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION TO
CLARIFY OR, IN THE ALTERNATIVE, FOR EXTENSION OF TIME TO
FILE FEE PETITION UNTIL FINAL JUDGMENT ON ALL CLAIMS (DOC.
NO. 520)**

Pending before the Court is Plaintiff’s Unopposed Motion to Clarify or, in the Alternative, for Extension of Time to File Fee Petition until Final Judgment on All Claims (“Motion”) (Doc. No. 520). In the Motion, Plaintiff asks that the Court either: (1) clarify its December 27, 2022 order granting Plaintiff an extension of time to file a fee petition pending disposition of the post-trial motions; or, (2) extend the time for filing a fee petition until 45-days after a final judgment is entered on all claims within this action. (Doc. No. 520 at PageID 3-4.)

On December 24, 2022, Plaintiff filed Plaintiff’s Unopposed Motion Extension of Time to File Fee Petition While Post-Trial Litigation is Pending. (Doc. No. 484.) In that motion Plaintiff expressed concern that, due to the pending post-trial motions, filing a fee petition might cause proceedings to multiple. (*Id.* at PageID 15708.) Plaintiff’s motion further stated, “Plaintiff proposed that the 45-day clock for filing a fee petition begin to run when this Court has completed ruling on the post-trial motions.” (*Id.*)

Under S.D. Ohio Civ. R. 54.2, “a motion for attorney’s fees under Fed. R. Civ. P. 54 must

be filed not later than forty-five days after the entry of judgment.” As the claim for declaratory judgment in Miami Township Board of Trustees’ Intervenor Complaint for Declaratory Judgment and Relief (Doc. No. 397) remains without an entered judgment, the Court clarifies that the time for the Parties to file a motion for attorney’s fees under Rule 54.2 will not begin to run until judgment is entered.

DONE and **ORDERED** in Dayton, Ohio, this Friday, September 1, 2023.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE